

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JACK SMITH, SR.,

Plaintiff,

v.

JANET NAPOLITANO,  
DEPARTMENT OF HOMELAND  
SECURITY, *et al.*,

Defendants.

Case No. 2:09-CV-02286-KJD-LRL

**ORDER**

On October 6, 2010, the Court ordered Plaintiff to file proof of service of the summons and complaint within the allowed time no later than October 21, 2010. On October 18, 2010, Plaintiff filed an Affidavit of Service (#25), in which the process server stated that he served the government agency by “delivering a conformed copy of this Civil Rights Complaint [and other documents.]” However, Federal Rule of Civil Procedure (“Rule”) 4(c) requires a copy of the summons and complaint to be served upon defendants within one-hundred and twenty days of the filing of the complaint. Plaintiff’s proof of service does not reflect that he served the summons with the complaint in compliance with Rule 4.

1 Accordingly, Plaintiff is ordered to file proof that service was made in accordance with Rule  
2 4(c), namely that the summons was served with the complaint, within twenty-one (21) days of the  
3 entry of this order.

4 DATED this 5<sup>th</sup> day of November 2010.

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Kent J. Dawson  
United States District Judge  
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